

**UNITED STATES BANKRUPTCY COURT**

**Southern District of Georgia**

In the matter of:

Lindsay Elaine Thames,

)

Chapter: 7

)

Case No.: 17-10177

Debtor(s)

)

)

Lindsay Elaine Thames,

)

)

Movant

)

)

Auto Money Title Pawn,

)

)

Respondent(s)

)

)

**NOTICE OF MOTION TO AVOID LIEN**

Movant has filed papers with the court to avoid your lien in debtor's property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney.

If you do not have an attorney, you may wish to consult one.

If you have legal grounds to oppose the avoidance of your lien, or if you wish the Court to consider your views on the motion, you must file a written request for a hearing with the Clerk of the Bankruptcy Court before the expiration of thirty (30) days from the date stated in the certificate of service.

If you mail your request for a hearing to the court, you must mail it early enough so that it will be received within the time referenced above.

Any request for a hearing must also be mailed to the moving party and all other persons indicated in the certificate of service attached to these pleadings.

If a timely request is filed, you will receive notice of the date, time and place of hearing.

If you or your attorney do not take these steps, the Court will decide that you do not oppose the relief sought in the motion and will enter an order avoiding your lien.

Date Feb 15, 2018

/s/ Matthew James Duncan

Attorney for Movant

Lucinda Rauback, Clerk  
United States Bankruptcy Court  
Southern District of Georgia

UNITED STATES BANKRUPTCY COURT  
Southern District of Georgia  
Augusta Division

In re:

Lindsay Elaine Thames,  
*Debtor.*

Lindsay Elaine Thames,  
*Movant,*  
vs.  
Auto Money Title Pawn,  
*Respondent.*

Case: 17-10177-SDB

Chapter: 7

Judge Susan D. Barrett

MOTION TO AVOID NON-POSSESSORY, NON-PURCHASE MONEY LIEN  
AND NOTICE AND OPPORTUNITY FOR HEARING

Movant, Lindsay Elaine Thames, files this motion pursuant to 11 U.S.C. § 522(f) to avoid a non-possessory, non-purchase money lien held by Respondent, Auto Money Title Pawn. In support of this motion, Movant states as follows:

1. Movant commenced this case on February 6, 2017, by filing a voluntary petition for relief under Title 11 of the United States Code.

2. Prior to the commencement of this case, Movant obtained a loan from Respondent. As security therefore, Movant executed a security agreement granting to Respondent a security interest in personal property; said property is held by Movant primarily for the use of Movant's family and household. The estimated amount of the loan at the commencement of this case was \$4,981.00.

3. The personal property consists of household goods within the meaning of § 522(f)(4)(B) or other personal property within the meaning of § 522(f)(1)(B).

4. The money borrowed from Respondent does not represent any part of the purchase money of any of the personal property covered in the security agreement.

5. The existence of Respondent's lien on Movant's personal property impairs exemptions to which

Movant would be entitled under § 522(b).

WHEREFORE, Movant requests an Order avoiding the non-possessory, non-purchase money lien held by Respondent on any and all personal property of Movant in its entirety, and for such additional relief as may be just and proper.

Respectfully submitted on February 15, 2018.

/s/ Matthew James Duncan

Matthew James Duncan | GA Bar #: 143397  
2602 Commons Blvd., Ste. A, Augusta, GA 30909  
P: 706-755-2928 | F: 706-664-0407  
office@matthewjamesduncan.com

UNITED STATES BANKRUPTCY COURT  
Southern District of Georgia  
Augusta Division

In re:

Lindsay Elaine Thames,  
*Debtor.*

Case: 17-10177-SDB

Chapter: 7

Judge Susan D. Barrett

Lindsay Elaine Thames,  
*Movant,*

vs.

Auto Money Title Pawn,  
*Respondent.*

ORDER

Before this Court is Movant's *Motion to Avoid Non-Possessory, Non-Purchase Money Lien and Notice and Opportunity for Hearing* regarding a non-possessory, non-purchase money lien held by Respondent on Movant's personal property.

Chapter 7 Case: 17-10177-SDB

Page 2

After proper notice and Respondent's having failed to timely respond, the Court finds that the lien impairs the exemptions to which Movant would otherwise be entitled pursuant to 11 U.S.C. § 522(b), and should be voided in its entirety pursuant to 11 U.S.C. § 522(f)(1).

Therefore, it is hereby ORDERED that the non-possessory, non-purchase money lien held by Respondent on Movant's personal property is voided in its entirety.

**[END OF DOCUMENT]**

/s/ Matthew James Duncan

Matthew James Duncan | GA Bar #: 143397  
2602 Commons Blvd., Ste. A, Augusta, GA 30909  
P: 706-755-2928 | F: 706-664-0407  
[office@matthewjamesduncan.com](mailto:office@matthewjamesduncan.com)

UNITED STATES BANKRUPTCY COURT  
Southern District of Georgia  
Augusta Division

In re:

Lindsay Elaine Thames,  
*Debtor.*

Case: 17-10177-SDB

Chapter: 7

Judge Susan D. Barrett

Lindsay Elaine Thames,  
*Movant,*  
vs.  
Auto Money Title Pawn,  
*Respondent.*

CERTIFICATE OF SERVICE

I hereby certify that copies of *Notice of Motion to Avoid Lien; Motion to Avoid Non-Possessory, Non-Purchase Money Lien and Notice and Opportunity for Hearing*; and proposed *Order on Motion to Avoid Non-Possessory, Non-Purchase Money Lien and Notice and Opportunity for Hearing* were served on February 15, 2018, by CM/ECF electronic notice, on the following:

Office of the U.S. Trustee  
ustpregion21.sv.ecf@usdoj.gov

James C. Overstreet, Jr.  
jco@klosinski.com; jlund@klosinski.com;  
joverstreet@ecf.epiqsystems.com;  
jco-trustee@ecf.inforuptcy.com

and on February 15, 2018, by placing the same for collection and mailing, first-class postage prepaid, on February 15, 2018, on the following:

Auto Money Title Pawn  
Attn: Officer/Agent  
2609-A Peach Orchard Road  
Augusta, GA30906

Respectfully submitted on February 15, 2018.

/s/ Matthew James Duncan  
Matthew James Duncan | GA Bar #: 143397  
2602 Commons Blvd., Ste. A, Augusta, GA 30909  
P: 706-755-2928 | F: 706-664-0407  
office@matthewjamesduncan.com